

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Arbitration - Settlement of Arbitration Award dated 28-02-1991 in respect of the work relating to constructing masonry spill-way blocks 7 to 14 from Chainage 132.80 to 140.70 upto elevation plus 504.00 M at left flank of Singoor Project awarded to Sri C.Raghava Reddy, Contractor vide L.S.A.B.No.10/1983-84, dated 05-09-1983 for an amount of Rs.6,70,000/- as full and final settlement of the award – Sanction – Orders – Issued.

IRRIGATION & C.A.D. (ARB.) DEPARTMENT.

G.O.(Ms.) No. 268

Dated the 20 October, 2009.

Read the following:-

1. From Sri C.Raghava Reddy, Contractor, representation dated 03-08-2008.
2. Govt.Memo.No.23513/ARB/08, dated 28-11-2008.
3. From the ENC(IW), Hyd., Lr.No.ENC/IW/P&M/EE.1/DEE.8/300108/08-1, dated 24.03.2009 and dated 13-05-2009.

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O R D E R:

Sri C.Raghava Reddy, Civil Engineering Contractor, in his representation first read above, has stated that he was entered into an agreement with the Superintending Engineer, Irrgn. Circle No.3, Nizamabad for construction of masonry spill way blocks from 7 to 14 from Ch.132.80 to Ch.140.70 upto EL (+) 504.00 Mt. at left flank of Singur Project Reservoir Scheme. Due to the breaches and also due to certain force majeure events, the progress of the work got hampered. Without taking the same into consideration, the Dept. has unilaterally determined the contract. Thus disputes arose between him and the Dept. culminating into appointment of Arbitrator. The Sole Arbitrator after an elaborate hearing, passed award on 28-02-1991. The award was challenged by the Dept. by way of filing O.P.No.22/1991 before the Subordinate Judge, Medak and he has also filed O.P.No.20/1991 for making the award rule of Court. The Learned Subordinate Judge has dismissed the O.P. filed by the Dept. and made the award rule of Court. Against the said judgement, the Dept. preferred CRP No.2576 of 1995. The said CRP was disposed off by the Hon'ble High Court giving him liberty to approach the Dept. for settlement of the claims. He has, therefore, requested to settle the issues amicably.

2. Based on the representation of Sri C.Raghava Reddy, Contractor and in compliance with the directions of the Hon'ble High Court of A.P. in C.R.P. No.2576 of 1995 and CMA No.991 of 1995, dated 12-07-2007, after obtaining the report from the Engineer-in-Chief, (Irrgn.), Hyderabad, the case has been referred to the Conciliation Committee for Telangana Region for negotiating with the contractor for an amicable settlement vide reference second read above.

3. The Engineer-in-Chief (IW), I&CAD Department, Hyderabad, in the reference third read above, has furnished the Minutes of the Committee. The Committee constituted for Telangana Region met on 17.03.2009 and conducted final meeting and conciliated in respect of the work "Construction of masonry spill-way blocks 7 to 14 from Chainage 132.80 to 140.70 up to elevation plus 504.00 m at left flank of Singur Project. After Conciliation with the Agency, the Committee has recommended for an amount of Rs.6,83,812/- and obtained and furnished a notarized Affidavit to the above effect from the Contractor.

4. In compliance to the directions of the Hon'ble High Court of A.P., dated 12-07-2007, the Principal Secretary to Government, I & CAD Department

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has conducted final conciliation on 11-05-2009 with the Agency and settled for an amount of Rs.6,70,000/- as full and final settlement of the Arbitration Award dated 28-02-1991 in respect of the work in question and the Engineer-in-Chief (AW/IW), Hyderabad, has obtained and furnished the declaration (in original) from the contractor.

5. After careful examination of the matter, Government hereby sanction an amount of Rs.6,70,000/- (Rupees six lakhs seventy thousand only) towards full and final settlement of the Arbitration Award dated 28-02-1991 in respect of the work "Construction of masonry spill-way blocks 7 to 14 from Chainage 132.80 to 140.70 up to elevation plus 504.00 m at left flank of Singur Project awarded to Sri C.Raghava Reddy, Contractor, vide L.S.A.B.No.10/1983-84, dated 05-09-1983.

6. The amount sanctioned in para (5) above, shall be debitable to the following Head of Account " 4701 Capital Out Lay on Major & Medium Irrigation – 01 Major Irrigation – Commercial – MH 117 Singur Project – GH (11) Normal State Plan – SH (26) Dam & Appurtenant works – 530 Major Works – 531 Other Expenditure.

7. The Engineer-in-Chief, (A.W./I.W), I & CAD Department, Hyderabad, is directed to arrange to pay the amount sanctioned at para (5) above to Sri C.Raghava Reddy, Civil Engineering Contractor duly deducting the amounts that are recoverable on whatsoever account.

8. This order issues with the concurrence of Finance (W&P) Department, vide their U.O.No.3707/F4(2)/09-1, dated 29-09-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Engineer-in-Chief, (A.W./I.W.), I & CAD Dept.,
Jalasoudha Building, Errum Manzil, Hyderabad.
The Pay and Accounts Officer, A.P., Hyderabad.
The Director of Works Accounts, A.P., Hyderabad.
Sri C.Raghava Reddy, Civil Engineering Contractor,
2-2-11-5/26/4, Tilak Nagar, Hyderabad – 500 044.

Copy to:

The Superintending Engineer, Irrigation Circle No.3, Nizamabad.
The I & CAD (P&B) Department.
The Finance (W&P) Department. (with a request to release
LOC for the sanctioned amount).
The Accountant-General, Andhra Pradesh, Hyderabad.
The Learned Advocate-General, High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.
The Government Pleader for Irrigation, High Court of
Andhra Pradesh, High Court Buildings, Hyderabad.
S.F. S.Cs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.